

Data Protection and Recordings Policy

St Peter's Catholic Primary School



'Christ at the Centre'

St Peter's Primary School: Data Protection and Recordings Policy

It is recommended that the school's default position should always be not to record a meeting or call. There are only limited circumstances where recording a meeting or call is necessary and proportionate.

The following sets out some helpful hints and tips, as well as providing guidance on the legal basis for using the recording facility and for ensuring that a privacy notice is made available.

Do's

- Only record where necessary.
- Issue a Privacy Notice as early as possible before the meeting/call will take place, informing the individuals that they will be recorded. This can be sent in the meeting invite and is required whether it is an internal or external meeting/call.
- Remind all attendees at the beginning of the meeting/call that it will be recorded. The Privacy Notice (or a link to it) can also be shared in the meeting chat.
- Take into account any concerns raised by the people that will be recorded. If you are relying on consent, you must identify a process for if the individual refuses. If you are not relying on consent, you should still consider whether there is an alternative method of achieving the same result (see "Be Prepared" below).
- Consider the impact recording might have - could it stop people raising issues or asking questions?
- Minimise the personal data collected (see "Data Minimisation" tips on the right).
- Remember that all recordings could be disclosed under the Freedom of Information Act or the General Data Protection Regulation.

Don'ts

- Don't hide the fact the session will be recorded, or spring it on attendees at the last minute.
- Don't store the recording for longer than is necessary. See School Retention Schedules for more information.
- Don't make a recording when the same could be achieved using less intrusive methods (e.g. taking notes).
- Don't make any recordings without a lawful basis for processing (more information below).
- Don't insist attendees have their cameras on if this is not necessary.
- Don't rely on consent to make a recording if another lawful basis applies. If you rely on consent and the consent is withdrawn, the recording must be deleted.

Data Minimisation - What do you really need to record?

To reduce the amount of personal data the school is processing, individuals could:

- Use [Teams Live](#)
- Turn off incoming video
- Start and stop recording where appropriate (i.e. after introductions, before a Q&A session with pupils, colleagues)
- Mute other attendees so only the host is audible
- Invite questions in the chat, rather than verbally
- Always use backgrounds (e.g. Corporate background or blurred)
- Edit recordings to remove unnecessary personal data afterwards (e.g. if pupils are off sick, the recording could be made available to assist with catching up on work but remove anything outside of core lesson delivery)

Privacy Notices

To comply with our requirement under the General Data Protection Regulation (GDPR) to be fair, lawful and transparent in the way we process personal data, a Privacy Notice must be provided when personal data is collected, including in the form of recordings.

A standalone privacy notice has been produced for this activity (See Appendix A), which will be included on our data protection webpage but the following sentence should be added to any Teams lesson/meeting in the Chat function:

This session is being recorded. The supporting privacy notice, which explains more about why we are doing this and what allows us to record the session, can be accessed through the following link: <https://www.stpetershants.co.uk/data-protection/>

Alongside this written sentence, the lesson/meeting host must make the following statement, adjusting for the activity, at the start of each lesson/meeting:

This lesson/meeting is being recorded. You do not need to be concerned as this is so your class mates/colleagues who are unable to attend can have access to the information being shared. It is also to ensure that the school meets our duties around ensuring we safeguard all involved.

Lawful Basis for Processing

The school have considered the lawful basis available under the GDPR and have identified that Legitimate Interests provides the necessary lawful basis. In using this lawful basis, it is vital that we provide the opportunity for individuals that will be recorded the opportunity to raise any concerns they have and for the school to consider them and adjust our approach as appropriate (e.g. use of data minimisation techniques, use of alternative options if possible).

A Legitimate Interests Test has been undertaken (see Appendix B) and is logged for auditing purposes in the event that the decision to record is challenged.

Appendix A:

Recordings Privacy Notice

St Peter's Primary School records online lessons and meetings in order to deliver our statutory functions around the provision of education but also in delivery of our safeguarding duties to pupils and staff.

We will use the recording for the purpose of:

- to provide an accessible record of the event for those in attendance and those unable to attend but wishing to access the content;
- monitor attendance and update individual's learning history and/or support individual's professional development;
- assist in the planning of future services and sessions/activity;
- influence future training and "lessons to be learnt" activity;
- undertake statistical analysis; and
- safeguarding our pupils and staff.

Under Article 6(1)(f) of the General Data Protection Regulation (GDPR), the processing is necessary for the purpose of our legitimate interests. A legitimate interest test has been conducted to ensure that this processing does not override your interests or fundamental rights as a data subject.

Under this lawful basis we do not require consent to process information in this way but we are required, through this privacy notice, to ensure you are fully informed of why we are collecting this information and what we will do with it.

We will only share this recording with pupils through making it accessible within Teams.

We use two third-party processors (Microsoft and See-saw) to store recordings of teachers only.

The School takes its data security responsibilities seriously and has policies and procedures in place to ensure the personal data held is:

- prevented from being accidentally or deliberately compromised;
- accessed, altered, disclosed or deleted only by those authorised to do so;
- accurate and complete in relation to why we are processing it;
- continually accessible and usable with backups; and
- protected by levels of security 'appropriate' to the risks presented by our processing.

We will keep the recording for the 7 days, so on a Monday a teacher will delete the previous Monday's video on Teams and Seesaw, otherwise Teams deletes after 20 days.

You have some legal rights in respect of the personal information we collect from you. Please see our website Data Protection page <https://www.stpetershants.co.uk/data-protection/>

You can contact the School's Data Protection Officer:
Mr Bill James,
Head of the Teaching School serving the Mother Teresa Partnership;
W.James@st-josephs.hants.sch.uk

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance by contacting the School's Data Protection Officer or you can go directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Appendix B: Legitimate Interests Test – MS Teams Recording School Sessions

Activity

St Peter's Primary School is proposing to record online lessons and meetings (referred to moving forward as sessions) through the use of MS Teams so that the sessions are available to all pupils and members of staff. Data processing will occur as all audio and video from the sessions will be recorded. Following the lesson/meeting the recording will be shared with School staff and pupils who did attend or should have been attendance but were unable to attend (for example, they were sick), only. The recording will be stored on the cloud.

Pupils, parents and staff will be informed that the session will be recorded prior to the first session taking place. In future sessions, confirmation that the briefing is being recorded will be included in the chat function, including links to the appropriate privacy notice. In addition to this, the presenter will confirm the session is being recorded in the introduction.

The legitimate interest

St Peter's primary School is proposing to record school sessions to ensure all pupils and members of staff can access the content of the session even if they are unable to attend; alongside the safeguarding of those in attendance. The benefits of this will be that the recording can be accessed by individuals who did and did not attend the session, which will provide ongoing reference material, alongside the safeguarding of pupils and staff.

Processing is necessary to achieve this because:

The recording facility within MS Teams will allow access to the sessions at a later moment in time, as a resource but also evidence where necessary, where this would previously not have been possible. This method will be the most effective way of enabling sessions and education to be delivered, whilst safeguarding all the individuals involved.

Balancing Test

The relationship between MS Team recording the session and those attending can be characterised as a provider to learner relationship or employer/employee relationship and it is not anticipated any sensitive or special category data will be shared on the recording. Individuals will be informed of how their data will be processed ahead of the session and during the introduction, so they will know what to expect. If an individual objects to this type of processing or finds it intrusive then consideration will be given as to whether the recording should go ahead as it would not be appropriate to disadvantage that individual. Any individuals who identify a concern with the use of audio and video recording, will also be advised to turn off their microphone and camera, which will mean they are not recorded. They will still be able to view the session they are attending and make contributions through the use of the chat function, at any stages this option is being used.

The data minimisation principle under GDPR will be taken into consideration when considering what parts of the session will be recorded. Staff will be encouraged to mute their microphones and turn off their cameras and the presenter encouraged to use a corporate background where appropriate to ensure no unnecessary personal data is captured.

How is the information securely distributed and stored?

It will be held securely on the cloud with access limited to school employees.

How long will the recording be retained for?

The recording will be stored in line with school retention schedules or deleted on the seventh day by the class teacher.